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STATUS OF THE CLAIMS

Claims 1-14, as filed, are pending in the application and have not been allowed by Examiner. In this Amendment, Applicant has cancelled all of the pending claims, numbered 1-14, and presents new claims, numbered 15-33, herein. New claims 15, 25 and 31 are the independent structural claims.

REMARKS

Substitute Specification and Claims

For the convenience of Examiner, Applicant presents a substitute specification and claims for the instant application, pursuant to 37 CFR 1.125. It is submitted that the substitute specification does not contain new matter and that the new claims first presented herein are fully supported by the specification of record and the claims as filed. Applicant also presents a marked up version of the specification and claims of record to show all of the changes thereto, including the matter being added to and the matter being deleted therefrom.

Amendments to Specification

Applicant has amended the title of the application to read as "BIAXIALLY ORIENTED, METALLIZED HERMETICALLY SEALABLE MULTILAYER FILMS INCLUDING NON-MIGRATORY SLIP AGENT". The support in the specification of record for this correction may be found at page 1, line 8, and page 11, lines 23-27, and page 12, lines 9-14.

Throughout the specification, a typographical error was noted in which the phrase "first sealant skin" was incorrectly referred to as "first skin" or "first skin sealant". Applicant has corrected this typographical error accordingly. The support in the specification of record for this correction may be found at page 6, lines 17-21, and generally in the claims, as filed.

The limitation to the thickness of the first sealant skin layer being 5.5-10 μ m was inadvertently omitted from the specification. Applicant has corrected this omission as noted above. The support in the specification of record for this correction may be found in claim 1 of the application as filed.

The disclosure in the specification relating to the non-migratory slip agent of this invention, at page 7, lines 7-11, has been corrected to conform to the claims as filed. The support

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in the claims, as filed, for this correction may be found in claims 1, 4-5, and 8-10. Also, support for these corrections in the specification of record may be found at page 7, lines 7-8.

Examiner noted a typographical error that stated that the non-migratory slip agent was present in the second skin layer, at page 8, line 20 in the specification of record. Applicant has corrected this error to recite that the non-migratory slip agent is present in the first sealant skin layer. Support for this correction in the specification of record may be found at page 7, lines 5-6.

To improve the clarity of the specification, Applicant has amended the disclosure with respect to the experimental materials used in the Examples. Specifically, the general composition of Chisso 7701, Fina 3371, and ExxonMobil HD6704.67 was included. Applicant submits that no new matter has been added.

With respect to Examples 1 and 2, Applicant has amended the specification of record to improve clarity. Support for this clarification may be found at page 7, lines 12-19, and at page 4, lines 11-17, in the specification of record, and generally in the claims, as filed.

Corrections to punctuation and other typographical errors were made in the specification, namely at page 8, line 1, and page 8, line 26, and page 9, line 5, as noted above.

Section 112 Issues

Applicant believes that all outstanding Section 112 issues have been adequately addressed, in view of the above amendments to the specification as well as the new claims first presented herein.

Section 103 Issues

Examiner rejected the pending claims 1-14 as being unpatentable over Amon in view of Nagai. Applicant believes this rejection is not pertinent to the new claims 15-33, first presented herein. Notwithstanding, Applicant respectfully submits that Amon is not a proper reference against the claimed invention. Under Section 103(c), the Amon patent, filed December 20, 1999 and issued July 16, 2002, is disqualified as a Section 102(e) prior art reference. This is because at the time the claimed invention was made, the Amon subject matter and the claimed invention were owned by the same corporation or subject to assignment to the same corporation, namely the Mobil Oil Corporation. Subsequent to the filing of the Amon reference, Mobil Oil Corporation changed its name to ExxonMobil Oil Corporation. The instant application has also

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been assigned to ExxonMobil Oil Corporation. As such, it is submitted that the Amon reference and the claimed invention are commonly owned.

Supplemental Information Disclosure Statement

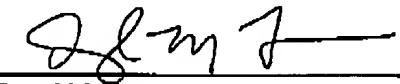
Applicant notes that Examiner did not initial the foreign references submitted in the Supplemental Information Disclosure Statement that was filed October 2, 2002. Applicant respectfully requests Examiner to so indicate her consideration of these foreign references.

* * *

It is respectfully submitted that the above Amendment places the case in order for allowance or in better condition for consideration on appeal. Entry of the Amendment and reconsideration of this application, as amended, are therefore respectfully requested.

Respectfully submitted,

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